

**PREAMBLE
TO THE
SUPERINTENDENT'S COMPENDIUM
2005**

GATES OF THE ARCTIC NATIONAL PARK AND PRESERVE

PREAMBLE

The proposed compendium was available for comment from January 1 – February 15, 2005. The following preamble addresses comments received by the park on the proposed compendium. Groups or organizations who commented are identified in the discussion.

The park received consolidated comments from the Wilderness Society, National Parks Conservation Association and the Alaska Center for the Environment, and comments from the State of Alaska.

GENERAL COMMENTS:

Determinations:

The State of Alaska (State) recommended that the National Park Service (NPS) consolidate all determinations for each park as an attachment to the compendium, unless needed in the body of the document to clarify intent or provide an educational component. The State noted that the development and formatting of the justifications is an evolving process towards better determinations.

The National Park Service (NPS) will incorporate the State's suggestion by attaching lengthier determinations to the compendium, either in the document itself or as a separate attachment. Shorter determinations will accompany an individual compendium entry to facilitate reader understanding or provide an educational component.

Use of state law

The State expressed their appreciation of the NPS's willingness to consider the use and applicability of state law in certain cases. Although the mission of the National Park Service and the objectives of the State of Alaska will sometimes conflict, we appreciate the opportunity to work cooperatively with the State where ever possible.

Compendiums as educational tools:

The State commented that the compendia may be a type of educational tool and supports the use of the compendia in that effort.

The NPS is supportive of the State's desire to see the document used for education and to encourage responsible behavior. It should be noted, however, that the primary purpose of the compendiums is to serve as a compilation of designations, closures, openings and other

restrictions. Where possible, and not conflicting with the primary purpose, educational material may be used.

Converting compendium entries into regulation

The State suggested converting several compendium entries into regulation if it appears those entries are reasonable and not likely to change over time.

The NPS appreciates the support to move some compendium entries to regulation, and will be guided by the determining criteria at 36 CFR 1.5, 13.30 and other relevant sections or those items where regulations would better serve the conservation of resources and visitor's ability to enjoy the parks,.

36 CODE OF FEDERAL REGULATIONS SPECIFIC COMMENTS:

2.2(e) Designated areas for wildlife viewing with artificial light

The State noted that state law changed in 2004, and requested revised language.

The NPS did not have adequate time to consider whether the changes in state law allowing for the use of artificial light for taking wildlife should be adopted. Specifically, we need additional time to consider whether the use of light for taking furbearers is appropriate use in Alaska park areas. We will continue to discuss this issue with the State.

2.3 (d)(2) Waters Open to Bait Fishing in Fresh Water

The State of Alaska has suggested adoption of compendium entries that will bring the NPS fishing regulations in Alaska into conformity with State Regulations.

The Alaska specific regulation permitting fishing in park areas, 36 CFR 13.21, adopts applicable State and Federal law to the extent not inconsistent with 36 CFR 2.3. The NPS believes that any compendium entries must continue to be consistent with the regulations in Section 2.3.

2.10(d) Food storage – designated areas and methods

TWS/NPCA/ACE supported the proposed changes in Kenai Fjords and Lake Clark's compendiums clarifying what type of containers qualify as bear resistant food containers and supported the concept of keeping bears wild and visitors safe by keeping bears away from human food.

The State of Alaska recommended a consistent approach, where necessary and applicable, to listing approved bear resistant food containers and the opportunity to discuss and change requirements as emerging technologies arise. The State encouraged the use of state law and continued dialogue on best food storage methods. The State objected to blanket, park-wide requirements. The State commented on a perceived technical problem with the use of the terms "wire or branch." The State encouraged the use of the compendium as an educational tool on the food storage issue.

The NPS appreciates the support of the proposed Kenai Fjords and Lake Clark entries. The NPS believes that some parks may be able to narrow the scope of where food storage is required, but

recognizes due to logistical concerns and the differences in parks, that that goal may not be achievable. The NPS is encouraged that continuing dialogue, along with new technology, will continue to positively influence this issue, protecting both park resources and visitors without unduly burdening park visitors. The NPS concurs that education is an important component to this issue. The technical issue of terms will be addressed, using the term “line” instead of “wire” to avoid confusion.

The State also requested that parks that offer Bear Resistant Containers for free of charge notify the public of this in the compendium. The NPS will adopt this recommendation.

Several parks, including Gates of the Arctic, will also adopt the Bear Resistant Container definition.

2.15(a)(1) Pets

The State of Alaska prefers a course of rule making as opposed to compendium restrictions on pets, noting their opposition to the backcountry prohibition at Denali, complementing Kenai Fjords for limiting temporally and spatially the restrictions, and Glacier Bay for seeking further public comment on their pet compendium entry. The State believes that rule making would allow for greater public input. The State acknowledges that in some instances and with certain caveats, site-specific pet prohibitions may be warranted if resource impacts outweigh the public’s desire to allow pets.

TWC/NPCA/ACE supports the restrictions of pets in Denali’s backcountry and believes all parks should receive similar protection; pets should be limited to roads, parking lots and campgrounds to protect Alaska’s outstanding populations of wildlife.

While the NPS believes that the current regulations give the parks adequate means to manage pets, we are willing to consider specific rulemaking appropriate for Alaska national parks. We hope to include Denali, along with Kenai Fjords and Glacier Bay in a Phase II special regulation package. In the meantime, we intend to implement the proposed language for this section.

2.15(a)(3) Conditions for leaving pets unattended and tied to an object

That State commented that the entry “No conditions” implies that tying an unattended pet to an object is acceptable behavior and proposed wording for clarity.

The NPS will add an educational piece for clarity.

2.19(b) The towing of persons on skis, sleds, or other sliding devices by motor vehicle or snowmobile is prohibited, except in designated areas or routes

The State of Alaska suggested adding the existing regulatory exception to sleds towed behind a snowmobile with a rigid hitching mechanism.

The language of the compendium reflects the language in the regulation. Because the regulation expressly exempts sleds designed to be towed behind snowmobiles and joined with a rigid hitching mechanism, the NPS does not believe this addition is necessary.

3.20(a) Water skiing; designated waters

TWS/NPCA/ACE opposed the opening of Denali, Gates of the Arctic, Yukon Charley and Kenai Fjords to water skiing. They also commented on Sitka dropping this entry. Additionally, they recommended that Glacier Bay, Katmai, Wrangell-St. Elias, Western Arctic, Lake Clark and Klondike close their waters to skiing.

Denali, Gates of the Arctic, Yukon Charley and Kenai Fjords were unintentionally shown as open in the proposed compendium. They will remain closed. Sitka does not have jurisdiction over waters off the coast, therefore the entry was dropped as not relevant. The parks currently open to water skiing will weigh their existing use versus the default prohibition on water skiing and develop a determination to continue water skiing or use the default prohibition. Water skiing is on a very small scale, if it exists at all. If water skiing becomes a problem – such as a safety concern, conflict with user groups or resource concerns - it can be addressed in future compendiums. For some parks, the determination to open to water skiing is a long standing one; other parks over the last several years determined to allow the activity as a very small number of individuals have water skied, for instance, on Fourth of July. It is within the authority of individual Superintendent's to designate areas open if that is appropriate in their individual areas. Parks will continue to evaluate this on a park-by-park basis.

13.17(e)(4)(i) Designating existing cabins, shelters or temporary facilities that may be shared for subsistence uses without a permit

The State requested parks consider whether specific park cabins are routinely used for subsistence purposes during particular times of the year and designate those cabins.

The NPS agrees with this approach for subsistence purposes. However, parks will continue to address the issue of designating cabins for subsistence uses on a park-by-park basis. Many parks may choose to manage cabins as a shared resource between subsistence and other public uses. Gates of the Arctic proposes no changes to this section at this time.

13.17(e)(5)(i) Designated cabins for general public use.

The State recommended that parks adopt language giving the public short term authority to use the cabins for up to 14 days, similar to language used in the Glacier Bay compendium.

Western Arctic and Wrangells will use the suggested language in the Glacier Bay proposed compendium. However, because there are significantly different circumstances in each park, a one-size-fits-all approach is not possible. For example, after reviewing the Glacier Bay proposed compendium, other than the designated public use cabin, all other cabins are associated with commercial fishing under an exclusive use permit. Glacier Bay will not use the proposed language. Gates of the Arctic cabins are available for emergency use only. Gates of the Arctic proposes no changes to this section at this time.

13.21(e) Temporary closures to the taking of fish and wildlife

The State commented that the NPS should also reference the federal subsistence regulations in this section as they apply to Preserve lands and recommended language.

The NPS does not believe the federal subsistence regulations should be referenced under 13.21(e). We interpret 13.21(b) and (d) to apply only to the taking of fish and wildlife for other than subsistence.

43 CFR 36.11(g)(1) ORV's on existing trails

The State commented that most parks do not have designated trails and requested that the NPS designate trails, where appropriate.

The NPS continues to evaluate current ORV use in park units and access needs. Wrangells, for example, has requested funding for environmental assessments. Any authorization for ORV use in Alaska park areas will proceed in accordance with applicable federal law, including the National Environmental Policy Act.

The State also requested that a map of the Anaktuvuk Pass Land Exchange be provided. The map will be posted on the park's web site.

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National Park Service (NPS) regulations applicable to the protection and equitable public use of units of the National Park System grant specified authorities to a park superintendent to allow or restrict certain activities. NPS regulations are found in Titles 36 and 43 of the Code of Federal Regulations (CFR) and created under authority and responsibility granted the Secretary of Interior in Titles 16 and 18 of the United States Code. The following compendium comprises a listing of NPS regulations that provide the Superintendent with discretionary authority to make designations or impose public use restrictions or conditions in park areas. The applicability and scope of the compendium is articulated in 36 CFR Sections 1.2 and 13.2, and 43 CFR Section 36.1.

The larger body of NPS regulations that do not provide discretionary authority to the Superintendent is not cited in this compendium. A complete and accurate picture of regulations governing use and protection of the unit can only be gained by viewing this compendium in context with the full body of applicable regulations found in Titles 36 and 43 CFR. *Please contact Gates of the Arctic National Park and Preserve, Bettles, Alaska at (907)692-5494 for questions relating to information provided in this compendium.*

TITLE 36 CODE OF FEDERAL REGULATIONS

PART 1. GENERAL PROVISIONS

1.5 Closures and public use limits

(a)(1) Visiting hours, public use limits, closures

See specific sections in this document for additional information regarding visiting hours, public use limits, and closures.

(a)(2) Designated areas for specific use or activity or conditions

See specific sections in this document for additional information regarding designated areas and conditions for engaging in certain activities.

1.6(f) Compilation of activities requiring a permit

- Scientific research, 1.5
- Collecting research specimens, 2.5
- Operating a power saw in developed areas, 2.12(a)(2)
- Operating a portable motor or engine in undeveloped areas, 2.12(a)(3)
- Operating a public address system, 2.12(a)(4)
- Air delivery, 2.17(a)(3)
- Noncommercial soliciting, 2.37
- Using, possessing, storing, or transporting explosives, blasting agents, or explosive materials, 2.38(a)
- Using or possessing fireworks and firecrackers, 2.38(b)
- Special events, 2.50(a)

- Public assemblies and meetings, 2.51(a)
- Sale and distribution of printed matter, 2.52(a)
- Grazing, 2.60(a)(1),(2); reindeer grazing, 2.60(a)(1), re: 16 USC 410hh, 25 USC 500
- Residing on federal lands, 2.61(a)
- Installing a monument or other commemorative installation, 2.62(a)
- Commercial notices or advertisements, 5.1
- Commercial operations, 5.3
- Commercial photography or filming, 5.5
- Construction or repair of any building, structure, facility, road, trail, or airstrip on federal lands, 5.7
- Mining operations (9.9(a)) or an approved Plan of Operations (in lieu of permit)
- Cabins on federal lands-
 - General use and occupancy, 13.17(e)(1), (2)
 - Commercial fishing, 13.17(e)(3)
 - Subsistence-exclusive use, 13.17(e)(4)(i)
 - Temporary (over 14 days) facilities in Preserve for taking of fish and wildlife, 13.17(e)(7)
 - Cabins otherwise authorized by law, 13.17(e)(8)
- Subsistence use in Gates of the Arctic National Park by a person who does not live within the Park boundary or a resident zone community, 13.44(a)
- Using aircraft access for subsistence activities in the Park by residents of Anaktuvuk Pass, 13.45(a), (b)(1), 13.64(a)(2)
- Cutting of live standing timber greater than 3 inches in diameter for non-commercial subsistence uses, 13.49(a)(1)
- Access to inholdings where access is not made by aircraft, snowmachine, motorboat or non-motorized surface transportation, 43 CFR 36.10(b)
- Salvaging, removing, possessing aircraft, 43 CFR 36.11 (f)(3)(ii)
- Helicopter landings, 43 CFR 36.11(f)(4)
- Off-road vehicle (ORV) use, 43 CFR 36.11(g)(2)
- Temporary access across federal land for survey, geophysical or exploratory work, 43 CFR 36.12(c)

PART 2. RESOURCE PROTECTION, PUBLIC USE AND RECREATION

2.1(a)(4) Designated areas for collection of dead wood on the ground for firewood

Superseded by 13.20(c)(4), 13.20(d), and 13.49(b).

2.1(a)(5) Designated areas and conditions for walking on, climbing, entering, ascending, descending, or traversing an archeological or cultural resource, monument, or statue

No designated areas or conditions.

2.1(b) Designated trails

No restrictions on walking or hiking.

2.1(c)(1)-(3) Designated fruits, nuts, berries, and unoccupied seashells to harvest by hand and collection restrictions

Superseded by 13.20(c) and 13.49(b).

2.2(d) Established conditions and procedures for transporting lawfully taken wildlife through park areas

See also 13.21(d)(5).

2.2(e) Designated areas for wildlife viewing with artificial light

No areas designated for closure. For sport hunting, state law generally prohibits the use of artificial light. Federal subsistence hunting regulations provide for the use of artificial light in some circumstances. 50 CFR Section 100.26(b)(8).

2.3(d)(2) Fresh waters designated as open to bait fishing with live or dead minnows or other bait fish, amphibians, nonpreserved fish eggs or fish roe

No waters are designated as open to fishing with the types of bait identified above. Other types of bait may be used in accordance with state law. Subsistence fishing is allowed in accordance with 36 CFR part 13 and 50 CFR part 100.

2.4 (a)(2)(i) Carrying, using, or possessing weapons at designated locations and times

See also 13.19(b)-(f).

2.10(a) Camping: conditions and permits

No established conditions or permits required.

Camping on gravel bars is encouraged to avoid damage to vegetation.

Superseded in part by 13.18(a).

Camping on gravel bars is consistent with the Leave No Trace principle of “travel and camp on durable surfaces” and is a widely recognized best practice.

2.10(d) Food storage: designated areas and methods

(1) Definition: A *bear resistant container* (BRC) means an item constructed to prevent access by a bear. BRC's include—

- Items approved by the Department of Interior and Agriculture's Interagency Grizzly Bear Committee (<http://www.fs.fed.us/r1/wildlife/igbc/>);
- Items approved by the National Park Service's Sierra Interagency Black Bear Group (<http://www.nps.gov/seki/snm/wildlife/sibbwg.htm>);
- Any additional items listed by the State of Alaska, Department of Fish and Game, Division of Wildlife Conservation (<http://www.wildlife.alaska.gov/aawildlife/containers.cfm#lightweight>), with the concurrence of the Superintendent; and
- Items approved by the Superintendent.

(2) Throughout the park, all food (except legally taken game) and beverages, food and beverage containers, garbage, harvested fish and equipment used to cook or store food must be stored in a bear resistant container (BRC) or secured—

- Within a hard sided building;
 - Within lockable and hard sided section of a vehicle, vessel, or aircraft; or
 - By caching a minimum of 100 feet from camp and suspending at least 10 feet above the ground and 4 feet horizontally from a post, tree trunk or other object on a line or branch that will not support a bear's weight.
- (3) This regulation does not apply to—
- Food that is being transported, consumed or prepared for consumption; and
 - Clean dishes and cooking equipment free of food orders.

The intent of these designations is to prevent bears and other wildlife from obtaining and habituating to food and garbage, thus protecting wildlife and park visitors alike. We strongly recommend that dishes and cooking equipment be securely stored; but clean and odor free items are not required to be stored in secure containers. Ice chests and coolers, tents, dry bags or stuff sacks, plastic packing boxes (Totes, Action Packers, etc) and unmodified kayaks are not generally approved as BRC.

2.11 Picnicking: designated areas

Superseded by 13.18(b).

2.13(a)(1) Fires: designated areas and conditions

Designated Areas: Campfires are authorized in all areas without a permit. All trash (tin foil, burnt food, glass, and cans) must be removed from the fire site after use.

The intent of this requirement is to allow for fires in the backcountry while ensuring that resource impacts associated with fires are minimized. The use of fire pans and construction of fires on gravel bars is encouraged to ensure that permanent campfire sites and build up of ash piles will not occur.

2.14(a)(2) Sanitation and refuse: conditions using government receptacles

No conditions established at present. Dumping commercial, household, or industrial refuse, brought in from private or municipal property, in government receptacles is prohibited.

2.14(a)(5) Sanitation: designated areas for bathing and washing

No designated areas. The area does not have any public water facilities.

2.14(a)(7) Sanitation: designated areas for disposal of fish remains

Fish entrails may be deposited on land along the Kobuk River drainage, as long as they are deposited greater than 100 feet from a campsite.

The intent of this condition is to respect local native custom and culture in which fish entrails are left on land for other animals to scavenge.

2.14(a)(9) Sanitation: designated areas for disposal of human waste in undeveloped areas

Solid human waste will either be removed as trash or deposited in cat-holes dug at least 100 feet from any surface freshwater source, shoreline, campsite or trail. Cat-holes must be at least six inches deep.

The intent of these conditions is to protect the public from exposure to health, safety and disease risks and to maintain pristine water quality. The park recommends that human waste be deposited at least 200 feet from any surface, freshwater source, which represents the national, interagency standard for the best Leave No Trace practices regarding human waste disposal in the field.

2.14(b) Sanitation: conditions concerning disposal, carrying out of human waste

See section 2.14 (a)(9) above. Toilet paper should be packed out, or burned when fire hazard is low.

2.15(a)(1) Areas designated as closed to pets

No designated areas. Pets must be leashed or physically restrained at all times.

2.15(a)(3) Conditions for leaving pets unattended and tied to an object

No conditions at present.

Leaving pets unattended and tied to an object is prohibited.

2.15(a)(5) Pet excrement disposal conditions

No conditions at present.

2.15(b) Conditions for using dogs in support of hunting activities

No conditions at present.

2.16 (a)-(c) Horses and pack animals

Superseded by 43 CFR 36.11(e).

2.17(a)(1) Aircraft operation

Superseded by 43 CFR 36.11(f)(1).

Use of aircraft in the Park for subsistence purposes is prohibited under 36 CFR 13.45.

See also 13.45, 13.64(a)(2) regarding use of airplanes in the Park for subsistence by Anaktuvuk Pass residents.

2.17(a)(2) Aircraft operation near docks, piers, swimming beaches and other designated areas

No areas prohibited.

2.17(c)(1) Conditions for removing downed aircraft

Superseded by 43 CFR 36.11(f)(3)(ii).

2.18(c) Snowmobiles: designated areas for use

No areas designated for snowmachine use.

Superseded in part by 43 CFR 36.11(c).
Superseded by 36 CFR 13.46 for subsistence uses.

2.19(b) The towing of persons on skis, sleds, or other sliding devices by motor vehicle or snowmobile is prohibited, except in designated areas or routes

No designated areas or routes.

2.20 Skating and skateboards

Superseded by 43 CFR 36.11(e).

2.21 Smoking

All park offices and visitor facilities are closed to smoking.

Smoking is prohibited within 100 feet of the park fuel and aviation gas storage facility.

These restrictions are intended to protect public safety from fire or explosion around fuel storage and dispensing facilities.

2.22 Property: leaving property unattended for longer than 24 hours

Superseded by 13.22.

2.35(a)(3)(i) Alcoholic beverages: areas designated as closed to consumption

No areas designated as closed.

2.38(b) Fireworks: permits, designated areas, and conditions

No areas designated for use of fireworks.

2.51(e) Public assemblies/meetings: designated areas for public assemblies

All areas open to public assemblies with a permit from the superintendent.

2.52(e) Sale and distribution of printed matter: areas designated for such use

All areas are open to distribution with a permit from the superintendent.

2.60(a)(3) Designated areas for grazing

Grazing of pack or saddle animals by private parties, not to exceed 14 days, is authorized without a permit in all areas. Any feed brought in must be weed free. Grazing in support of commercial operations is only allowed under permit from the superintendent.

These restrictions seek to lessen the impact of extended camps on vegetation.

2.62(b) Memorialization: designation of areas for scattering ashes

All areas are open to scattering of ashes without a permit.

PART 3. BOATING AND WATER USE ACTIVITIES

3.3 Permits

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No permits required at present.

3.6(i) Boating, prohibited operations: designated launching areas

All areas are open to launching of boats.

3.6(l) Operating a vessel in excess of designated size

No maximum size designations at present.

3.20(a) Water skiing: designated waters

No waters are designated as open.

3.21(a)(1) Swimming and bathing: areas designated as closed

All areas are open to swimming.

3.23(a) SCUBA and snorkeling: designated conditions in swimming, docking and mooring areas

No conditions established at present.

PART 4. VEHICLES AND TRAFFIC SAFETY

4.10 Routes or areas designated for off-road motor vehicle use in Preserves

No routes or areas designated.

See also 43 CFR 36.11(g).

4.11(a) Load weight and size limits: permit requirements and restrictive conditions

No restrictions at present.

4.30(a) Routes designated as open to bicycles

Superseded by 43 CFR 36.11(e).

4.30(d)(1) Wilderness closed to bicycle use

Superseded by 43 CFR 36.11(e).

4.31 Hitchhiking: designated areas

All areas are open to hitchhiking.

PART 5. COMMERCIAL AND PRIVATE OPERATIONS

5.7 Construction of buildings, roads, trails, airstrips, or other facilities

Maintenance of established landing strips utilizing non-motorized hand tools is not considered construction or repair and no permit is required.

PART 13. ALASKA REGULATIONS

SUBPART A – PUBLIC USE AND RECREATION

13.17(d)(8)(ii), (iv) Established conditions for removal of cabin for which a cabin permit has been denied, expired, or revoked

No conditions established at present (may require access permit).

13.17(e)(4)(i) Designated existing cabins, shelters or temporary facilities that may be shared for subsistence uses without a permit

No designations at present.

13.17(e)(4)(vi) Established conditions and standards governing the use and construction of temporary structures and facilities for subsistence purposes, published annually

No conditions or standards established at present.

13.17(e)(5)(i) Designated cabins or other structures for general public use

No cabins or other structures designated for public use.

NPS cabins are currently available for emergency use only.

13.17(e)(5)(ii) Established conditions and allocation system to manage the use of designated public use cabins

Not applicable.

13.17(e)(7)(iv)(B) Established conditions for removal of temporary facility used in excess of 14 days

Individuals must remove facility, all personal property, and return the site to its natural condition.

These conditions are intended to protect the park from impacts to vegetation and soil and to ensure that personal items are not left in the park.

13.18(a)(1) Temporary closures and restrictions to camping

No closures or restrictions at present.

13.18(a)(2) Site time limits: authorization to exceed 14 day limit at one location

No general exceptions at present.

13.18(a)(3) Designated campgrounds: restrictions, terms, and conditions

No designated campgrounds.

13.18(b) Picnicking-areas where prohibited or otherwise restricted

No restrictions.

13.19(b) Temporary closures or restrictions to carrying, possessing, or using firearms

There are no additional restrictions.

13.20(d) Collection of dead standing wood: areas designated as open and conditions for collection

No designated areas.

13.20(f)(1) Natural features: size and quantity restrictions for collection

No restrictions at present.

13.20(f)(2) Natural features: closures or restrictions due to adverse impacts

No closures or restrictions at present.

13.21(e) Temporary closures or restrictions to the taking of fish and wildlife

No closures at present. See applicable State of Alaska hunting regulations. Sport hunting is prohibited in Gates of the Arctic National Park.

13.22(b)(1)-(6) Exceptions to unattended or abandoned property

Subsistence users are exempt from the requirements in (b)(1)-(6). Other authorizations for exceptions for unattended or abandoned property are made on a case by case basis. Contact park headquarters for more information.

13.22(c) Designated areas where personal property may not be left unattended for any time period, limits on amounts and types, manner in which property is stored

No designated areas.

13.30(h) Facility closures and restrictions

No restrictions at present.

SUBPART B – SUBSISTENCE

13.46 Closures or restrictions to the use of snowmobiles, motorboats, dog teams, and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses

See also 36 CFR 2.16, 2.17, 2.18, 3.6, 4.10, 4.30; 43 CFR 36.11(c)-(e).

13.49(a)(1) Permit specifications for harvesting live standing timber greater than 3” diameter for subsistence purposes (house logs & firewood)

The superintendent may allow subsistence harvest of trees greater than 3” subject to the terms and conditions of a permit.

The above restriction serves to minimize impact to park resources, ensure that natural biodegradation processes are unimpaired, and protect against overharvest.

13.49(a)(2) Restrictions on cutting of live timber less than 3" in diameter for subsistence purposes

No restrictions at present.

43 CFR, PART 36 TRANSPORTATION AND UTILITY SYSTEMS (Access Regulations)

36.11(c) Temporary closures to the use of snowmachines for traditional activities

No closures at present.
See also 2.18.

36.11(d) Temporary closures to the use of motorboats

No closures at present.
See also 3.3, 3.6.

36.11(e) Temporary closures to the use of non-motorized surface transportation

No closures at present.
See also 2.16, 3.3, 3.6.

36.11(f)(1) Temporary closures to landing fixed-wing aircraft

No closures at present.

36.11(f)(3)(ii) Established procedure for salvaging and removing downed aircraft

A permit is required from the superintendent before downed aircraft may be salvaged and removed from the NPS lands; violation of the terms and conditions of the permit is prohibited.

This requirement allows the superintendent to establish terms and conditions for salvage operations as necessary to protect resources, provide for public safety, and minimize impacts on visitors.

36.11(g)(2) Use of off-road vehicles (ORV) on existing trails

No trails designated for ORV use except those designated in the Anaktuvuk Pass Land Exchange Legislation. Contact park headquarters for further information on these designated trails. See also 4.10. Anaktuvuk Pass map attached.

This compendium is approved and rescinds all previous compendiums issued for Gates of the Arctic National Park and Preserve.

Superintendent

Date

Attachments: 2.10 Food Storage Determination
Anaktuvuk map

March 4, 2005

Determination of Need for a Restriction, Condition, Public Use Limit, or Closure

Subject: Food Storage

Pursuant to Title 36 of the Code of Federal Regulations, Section 1.5 (c) and 2.10 (d), the Superintendent of Gates of the Arctic National Park & Preserve has determined that in order to protect public safety and prevent adverse impacts to wildlife, conditions are placed on storage of food, garbage, lawfully taken fish or wildlife, and equipment used to cook or store food throughout the park.

The reasons for this restriction are as follows:

1. Wildlife in a natural ecosystem is adapted to exist on natural food sources only. Obtaining human food negatively alters behavior and nutrition of wildlife.
2. Both black and brown bears are common throughout the park. Bears are readily attracted to even small quantities of human food. They are very curious and intelligent, and will commonly open or enter containers, tents and structures.
3. Bears are extremely susceptible to habituation to human food sources. Once they have learned to associate a site or item (e.g. campsite, dumpster, tent, kayak, etc) with acquisition of food, they will return to that source repeatedly for further food rewards.
4. It does not matter whether the material is fresh, dry, powdered, canned, etc. Once a curious bear has obtained a positive food reward, it will return and/or continue to seek out further rewards in similar situations.
5. Any impact to nutrition may manifest itself in reduced reproductive success and life expectancy.
6. While the nutritional impact on wildlife may vary depending on a number of factors, notably the percentage of the overall diet of the animal is made up of non-natural food and during what time of year, no impact is acceptable under National Park Service management policies.
7. Bears which become habituated to human food in this area are likely to be killed by humans in defense of life or property inside the park or on adjacent lands.
8. Humans are at risk of injury or death when bears attempt to obtain food from tents, packs, vessels, or other similar areas.

9. Steep terrain and ice limit habitable areas for wildlife and camping areas for humans. These areas frequently overlap, and increase the potential for negative human/wildlife encounters.

The reasons less restrictive measures will not be effective are as follows:

1. Educational efforts regarding proper storage and disposal of food and garbage have been undertaken by local, state and federal agencies in Alaska and in other western states for many years. These efforts have doubtless improved the situation and reduced wildlife/human conflict and impacts.
2. Recognizing that variations in environment and recreational activity require food storage options, park managers have undertaken the following to assist visitors and make these conditions less onerous:
 - Park supplied bear resistant food storage containers (BRFC) are available for free loan at the park visitor contact station.
3. Despite these efforts, park managers repeatedly encounter situations in which food or garbage is improperly stored in all areas of the park.
4. The food storage conditions imposed under this section allow a wide variety of storage options, including free loans of portable BRFC units, to make compliance less onerous.
5. We have considered the use of the Alaska State Administrative Code 5 AAC 92.230 which reads:

A person may not intentionally feed a moose (except under terms of a permit issued by the department), bear, wolf, coyote, fox, or wolverine, or negligently leave human food, pet food, or garbage in a manner that attracts these animals. However, this prohibition does not apply to use of bait for trapping fur bearers or hunting black bears under 5 AAC 84 – 5 AAC 92.

- Park employees lack authority to enforce this regulation directly and would rely on state officers. Given limited state staffing in this area and other priorities, enforcement would be severely hampered.
- If we adopted the language of the state regulation into a park condition under this section, we would unreasonably force our enforcement officers to prove “negligence” in court. The threshold we seek to enforce is lower given our specific legal mandate to protect wildlife.

6. Given the lack of complete compliance with educational efforts, the flexibility in compliance options, and the effort made by park managers to provide free equipment and facilities to promote compliance, these conditions are the least restrictive required to fulfill the park mission of protecting wildlife and human safety.

Signed:

David Mills, Superintendent

